

REMARKS

Claims 18, 21-23, 25-40 are pending. Claims 18, 30-36 are currently amended. Claims 19-20 and 24 are cancelled with prejudice or disclaimer.

FORMAL MATTER

Applicant notes with appreciation that the Office Action includes a copy of the reference citation form submitted with the Information Disclosure Statement filed on June 6, 2006. Each reference is initialed by the Examiner, thereby indicating that these references were considered by the Examiner and will be listed on the face of any patent that issues from the present application. The Office Action also indicates that the formal drawings filed on April 24, 2006 are accepted, acknowledges the claim to priority, and indicates that the certified copy of the priority documents are received.

ALLOWABLE SUBJECT MATTER AND CLAIM OBJECTIONS

Claims 18 is objected to because of informalities. Applicant submits the above amendment for the Examiner's reconsideration. In particular, regarding "a data packet," applicant submits that it is first introduced in line 4 and so the applicant has not amended it according to the Examiner's suggestions.

Applicant notes with appreciation that the Examiner has indicated that claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CLAIM REJECTIONS

Claims 18-25, 27-33 are rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over Masui *et al.* (U.S. Pat. Pub. 2001/0033559, hereinafter "Masui"). Claims 26 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masui in view of Benveniste (U.S. Pat. Pub. 2002/0163933, hereinafter "Benveniste"). Applicant respectfully traverses.

Claims 18 and 30-36,¹ have been amended to incorporate the subject matters of claim 19. Since the Examiner has found claim 19 to be allowable over the cited references, applicant

¹ Claims 34-36 were added in the amendment filed on November 30, 2007. However, it appears that the Examiner did not examine claims 34-36.

submits that claim 18 and its dependent claims, and claims 30-36, are allowable for at least the same reasons.

Newly presented claims 37-40 correspond to claims 18, 31-33 and incorporate the subject matters of claim 20. Since the Examiner has found claim 20 to be allowable over the cited references, applicant submits that claims 37-40 are allowable for at least the same reasons.

Therefore, withdrawal of the rejections under 35 U.S.C. §102(b) is respectfully requested.

CONCLUSION

Based on the foregoing, Applicant submits that the present application is in condition for allowance. If the Examiner believes that any outstanding issue could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 141449.

Dated: June 18, 2010

Respectfully submitted,
By /John J. Penny, Jr./
John J. Penny, Jr.
Registration No.: 36,984
Nutter McClennen & Fish LLP
155 Seaport Boulevard
Boston, Massachusetts 02210
(617) 439-2566
Attorneys/Agents For Applicant